



Meeting Summary

Thursday May 26, 2005
Drake Conference Center
151 West Galbraith Road
Meeting Room D
8:30 AM–10:00 AM

PARTICIPANTS: Gary Blomberg, Montgomery (Chair and presiding officer)
Susan Roschke, TEC Engineering
Tom Moeller, Maderia
Jenny Kilgore, Glendale
Peggy Brickweg, St. Bernard
Greg Kathman, HCDC
Jack Cameron, Evendale
Mike Hinnenkamp, Springfield Township
Chris Gilbert, Springfield Township
Ray Hodges, Forest Park
Chris Anderson, Forest Park
Tom Todd, Glendale
Dave Savage, Wyoming
Bob Richardson, KZF Design
David Moore, Greenhills
Chuck Kamine, Amberley Village

Ron Miller, RPC
Andy Dobson, RPC

- AGENDA ITEMS:**
1. Welcome and Introductions
 2. Tim Burke, Attorney
Presentation on eminent domain and development issues in Norwood
 3. Matthew Hickey, LISC (*scheduled*)
Presentation on tax increment financing legislation
 4. Executive Committee Report
 - a. Invitation to Cincinnati participation in FSC-SW
 - b. Project committee action plan and report outline
 - c. June 3 University of Cincinnati research presentation
 5. Project Committee Updates
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DISCUSSION: (conclusions and decisions) **Eminent domain issues in Norwood**

Tim Burke presented an overview of the eminent domain lawsuits underway on the property proposed for the Rookwood Exchange project, immediately adjacent to Rookwood Pavilion and Rookwood Commons. Various legal challenges filed by five property owners on the site have worked their way through the court

system. Most recently, the First District Court of Appeals ruled in favor of Norwood on their use of eminent domain for the project.

This development proposal and its related lawsuits are taking place at a time when the use of eminent domain powers by cities for economic development (instead of for traditional “public uses” such as roads or other infrastructure) is being challenged across the country. The U.S. Supreme Court considered *New London v. Kelo* recently and a ruling is expected this summer. This case addresses many of the same issues involved with the Norwood lawsuit, and the Supreme Court ruling will have a direct bearing. Tim Burke did not think that the ultimate outcome of the Norwood case will be affected.

The outcome of these lawsuits has bearing on all older suburban communities because it will impact their ability to assemble property for redevelopment projects using eminent domain powers. Most first suburbs are either completely developed or nearly so, and large tracts of land for new projects are scarce. In most cases, any large redevelopment project will require acquiring several properties and clearing existing structures. How easily this is accomplished depends in part on how these various legal challenges are decided.

Tim Burke when questioned recommended that first suburbs review and revise their current eminent domain ordinances to ensure that procedures and requirements are clearly indicated. Any blight study carried out to support use of eminent domain must be designed carefully to fulfill all requirements of the municipality’s ordinance. Adoption of urban renewal plans must include specific findings of fact supporting use of eminent domain. And, as is argued in the Norwood case, absolutely every private option for acquiring property should be exhausted before a community considers using eminent domain powers.

Matthew Hickey, LISC

Matthew Hickey was not able to attend. This presentation will take place at another meeting.

Executive Committee Report

Gary Blomberg will be sending a letter to Mayor Luken and Valerie Lemmie with Cincinnati to explain what FSC-SW is doing and inviting the City’s participation. At this point, the invitation is open-ended. Details of how the City may (or may not) work with FSC-SW, how membership fees will be handled, and other considerations will be worked out at a later time.

Ron Miller explained the strategic plan outline that the Executive Committee adopted for use by the various project committees. A copy of the outline is attached.

Chuck Kamine explained the Legislative Committee’s proposals for a procedure for deciding what projects FSC-SW should endorse. As the project committees begin their work, deciding what projects to pursue will be necessary for the full Board. The Legislative Committee recommends a two-stage process for evaluating proposals. The Executive Committee would hear a proposal first before deciding whether to forward it on to the full Board for a vote. If it is to be

considered by the Board, information about the proposal needs to be sent to members at least 5 days prior to the next regular meeting. This will allow members time for review the proposal before having to vote on it.

Project Committees

All project committees are working out regular meeting schedules. Once they decide, they will forward the schedules to Andy Dobson.

Legislative

In addition to the project endorsement procedure, Chuck Kamine presented information about the upcoming statewide Third Frontier referendum. Republican leaders in the General Assembly are maneuvering to attach \$500 million in bonds for the Third Frontier project to a \$1.5 billion bond issue for local capital improvement projects. Local jurisdictions are concerned because the unpopular Third Frontier proposal has the potential to defeat the capital improvement bond issue. The Legislative Committee will continue to monitor the situation, and at some point FSC-SW will need to let their concerns be know to the General Assembly.

MOTION: To approve the April 28, 2005 meeting notes.

MOVED: Todd

SECOND: Kamine

VOTE: Approved unanimously

Adjourn

NEXT MEETING: Friday June 3, 2005
12:00 PM–1:00 PM
Drake Conference Center
151 West Galbraith Road, West Pavilion
Meeting Room G (Lower Level)

Planning and Implementation Process For FSC Project Committees

Strategic Plans (WHAT AND WHY)

- 1) Issue Statements
 - What is the committee most concerned about?
 - How is this problem or opportunity unique to First Suburbs?
 - Why is this important to First Suburbs?
 - What is the existing situation and trend?
- 2) Desired Results
 - What desired result or outcome for First Suburbs are we trying to accomplish?
 - What will stakeholders see or observe when completed?
- 3) Key Indicators of Progress
 - How would stakeholders recognize the results in measurable terms?

Action Plans (HOW, WHO, AND WHEN)

- 1) Tasks (steps, sequence, and specific requirements)
- 2) Responsibility (persons and partner agency agreements)
- 3) Schedule
- 4) Budget and Funding

Implement

Evaluate (based on indicators and requirements; revise plan as needed)

FSC PROJECT COMMITTEES:

- Neighborhood Revitalization
- Intergovernmental Cooperation
- Financial
- Legislative
- Transportation / Infrastructure

FSC POLICY FOR COMMITTEE MEETINGS AND REPORTS:

- All FSC members will be notified of committee meetings at least five days before the meeting by the committee chair or through the FSC secretary (HCRPC staff).
- Committee reports and recommendations will be submitted to the executive committee prior to scheduling on FSC meeting agendas.